

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-145256-001 DT
CR2010-158168-001 SE

03/05/2012

HONORABLE SAMUEL A. THUMMA

CLERK OF THE COURT
I. Huerta
Deputy

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

ANTHONY EDWARD RAIMONDE (001)

MARTIN BECKER

JUDGE RAYES
MASTER CALENDAR UNIT
VICTIM SERVICES DIV-CA-CCC

TRIAL CONTINUANCE PAST ORIGINAL LAST DAY

8:44 a.m.

Courtroom CCB 1304

State's Attorney:	Above named counsel
Defendant's Attorney:	Above named counsel
Defendant:	Present
Court Reporter:	Linda Lopez

A record of the proceeding is also made by audio and/or videotape.

The Court has received and reviewed the State's Notice of Scheduling Conflict as well as a Joint Pretrial Statement.

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Defense counsel advises the Court, under the circumstances and based on his pending trial schedule, he has no objection to a continuance.

Having considered the Notice of Scheduling Conflict filed by counsel for the State, the Court finds:

1. The nonmoving party or parties: Does not object to a continuance
2. The Arraignment date was: 09/14/2011
3. The original last day was: 02/11/2012
4. The existing date of the trial when the motion was filed: 03/19/2012
5. The number of continuances granted before this continuance was: 1
6. The motion was: In writing
7. The motion was filed at least 5 days before trial: Yes
8. If filed untimely, the motion sets forth with specificity the reasons for its untimeliness: Not applicable

The Court finds a delay is indispensable to the interests of justice and that the following extraordinary circumstance exists warranting the continuance:

State's trial conflict in a case that takes priority over this one;

The Defendant waived applicable time limits: Yes

IT IS ORDERED granting the Motion to Continue.

IT IS FURTHER ORDERED vacating the current Trial date and resetting the Trial to 04/17/2012 at 8:00 a.m. before the Master Calendar Assignment Judge as to CR2011-145256-001.

IT IS FURTHER ORDERED vacating the current Non-Witness Violation Hearing date and resetting the Non-Witness Violation Hearing to 04/17/2012 at 8:00 a.m. before the Master Calendar Assignment Judge as to CR2010-158168-001.

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IT IS FURTHER ORDERED that all Subpoenas shall remain in full force and effect.

Per agreement of counsel, the Court will proceed with a Final Trial Management Conference at this time:

Based on information contained in the Joint Pretrial Statement, the Court finds:

The number of days for trial is expected to be 10 days.

The number of witnesses expected to testify is 20, which includes 1 expert witness and 0 out of state witnesses.

The number of jurors required for this trial is 8 + 2.

The State is alleging aggravating factors.

Substantive motions, aside from the State's Rule 609 Motion and a Motion in Limine, are not anticipated by one or more of the parties.

An interpreter is not required for this trial.

IT IS FURTHER ORDERED Counsel shall deliver to the trial division, copies of the following:

A. A jointly-completed time and witness estimate list. The Court will use the list to predict the length of the trial for the jurors and to direct Counsel to follow the trial time limits established. Any time limitation set will be reasonable presumptive limits subject to modification upon a showing of good cause.

B. A joint set of agreed upon preliminary and final jury instructions, including Preliminary Criminal RAJI or standard RAJI.

C. Separate sets of requested instructions that have not been agreed upon.

D. Any proposed Voir Dire questions which the Court will give. The parties shall jointly prepare a brief summary of the case which the Court will read to the jury at the commencement of voir dire.

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E. Any juror notebooks. The Court encourages use of juror notebooks in appropriate cases. Stipulating the contents into evidence is necessary. Key exhibits may be included, along with diagrams, photographs, and timelines.

IT IS FURTHER ORDERED that any disclosure and/or discovery shall be completed no later than seven (7) days prior to trial. Any party seeking further disclosure and/or discovery after the discovery deadline shall seek leave of the Court by motion supported by affidavit to extend the time for disclosure and/or discovery. Parties may extend the deadline by written stipulation which waives any objections to the late disclosure and/or discovery.

MARKING EXHIBITS

On the day of trial, immediately after receiving notification of the assigned trial judge, the trial lawyers or their knowledgeable assistants shall appear in the assigned trial division to present all exhibits. The exhibits shall be marked serially as they are listed in the LIST OF EXHIBITS which will be prepared by counsel and downloaded onto a disk which should be given to the clerk.

The parties shall advise the division, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence. All exhibits shall be clearly marked to correspond with the list provided. Counsel is directed to meet in person to exchange the exhibits before coming to court. Counsel will make sure that they do not bring to the clerk a set of exhibits that include duplicate exhibits. Written stipulations to admit specified exhibits in evidence are encouraged.

The Court assigned for trial will hear and rule upon objections at the time of trial. The rulings will be stated on the record, using exhibit numbers. All objections to known exhibits and witnesses must be made before or during the conference with the trial judge or will be deemed to have been waived.

IT IS FURTHER ORDERED that all time be excluded from 03/19/2012 through 04/17/2012 (29 days). **NEW LAST DAY: 05/18/2012 as to CR2011-145256-001.**

IT IS FURTHER ORDERED affirming prior custody orders.

8:51 a.m. Matter concludes.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.